



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
FEBRUARY 28, 2017**

The meeting was called to order by Mary Jane Dower at 7:00PM.

ATTENDANCE:

Chairperson Mary Jane Dower, Bill Oliver, John MacMillan, Arnold Jensen and Tom Thorsen. Also, in attendance was Walt Tennyson (Zoning Administrator), Zach Monroe, Brett Winchip (representing the Holmes), Edna Wells, Hali & Stephen Holmes, Betty & Albert Crevoiserat and Larry Turcotte.

PUBLIC HEARING:

Mary Jane Dower opened public hearing at 7:00PM.

#437-V: Hali N. Goodman-Holmes is requesting a 20.4 ft. frontline setback variance and a 5.5 ft. sideline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an addition to an existing dwelling. Property is located at 41 Woodcliff Acres, identified by Tax Map Parcel #: 120.6-2-13, in Zone Classification Moderate Intensity.

John MacMillan stated that he met at the site to look at the job but no contract in place or work has been done. Wants to make sure all members of the board agree that it is not a conflict of interest before continuing. All members agreed that there is no conflict of interest.

Brett Winchip, representing the Holmes, stepped up to podium. He states the Holmes want to construct an addition to their home. This includes reconstructing an existing lakeside porch with a larger footprint as well as renovate inside. They will remove 2 bedrooms to allow for larger dining room and kitchen area. The 5.5 sideline variance is needed to be allowed to shift addition towards lake as they are 6ft to bedrock there. This would allow for a partial basement and crawl space. They would like porch level with first floor instead of steep inclining steps which makes accessibility to building easier.

He also states that they used a 60 ft setback when planning depending on what was considered sideline vs. frontline. As defined in the Zoning Law, the front yard is distance from highway right of way. The highway right of way ends near the property line so essentially it could be considered a sideline.

Mary Jane stated that is an odd location as the road ends right there.

Mary Jane stated a letter from Warren County Planning Board was received stating “The issues here seem to be of a local nature involving local issues without any significant impact. Staff recommends no county impact based on the information submitted.

Also she read from a letter from Bruce Hilliard stating the Holmes have been full time residents for a number of years now after moving from Niskayuna. They are extremely good

members of the community and have volunteered many hours to benefit association. He respectfully request that the variance be granted.

Brett Winchip stated he brought along another email received from Jane Tagliabue stating she is in favor of the variance request. (The neighbor directly behind her)

John MacMillan stated he personally feels after reviewing map that the Woodcliff Acres ROW, where it stops that is considered your frontline and the rest is sideline.

Arnold Jensen agrees with John but feels it won't matter we just grant the second variance so there is no issue in the future.

John MacMillan reads from the Zoning Law and it states "Front yard is a yard that extends full width of the lot and situated between the adjacent highway right of way and building projected to the sidelines of the lot".

Arnold Jensen agrees again but still doesn't think it will matter if we so choose to grant it just grant them both. Theoretically, this way there is no question in the future if law is interpreted differently for some reason.

John MacMillan stated there really is no other way to construct what they want. Board members agree. He also feels this variance is reasonable.

Bill Oliver made motion at 7:17PM to classify this project (Application 437-V) as a Type II action which does not require further review under SEQRA and to declare a negative declaration due to the project having no significant impact on the environment.

Seconded by Arnold Jensen. All in favor. 5/0.

Area Variance Criteria-

1. Can benefit be achieved by other means? Yes, but must blast and that will jeopardize existing foundation.
2. Is it a detriment to nearby properties or an undesirable change in neighborhood? No.
3. Is the request substantial? Yes. 30%.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? Yes.

John MacMillan made motion at 7:24PM to grant both variances included in application #437-V. Seconded by Tom Thorsen. All in favor. 5-0.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officers Activity report for Nov and Dec 2016, Jan 2017.

NEW BUSINESS: None.

OLD BUSINESS: None.

MINUTES: John MacMillan made motion to approve minutes from November 22, 2016. Seconded by Arnold Jensen. All in favor. 5-0.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE: None.

ADJOURNMENT: Arnold Jensen made motion to close meeting at 7:31PM. Seconded by Bill Oliver. All in favor. 5-0.

Respectfully submitted,

Brandi Bessette
Secretary
Zoning Board of Appeals